IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NOS : 29306 of 1995 AND W.P.NO.29345 OF 1995

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WRIT PETION NO.29306 OF 1995:

Between:

V. Rama Rao, s/o. V. Subba Rao ,
aged about 35 years, working as Quality Inspector

Hagglunds Denison Ltd,
Patancheru, Medak District , A.P.

..... PETITIONER

AND

1 Hugglunds Denison Ltd., rep. by its Managing Director,
Patancheru, Medak District, A.P.
2 The Deputy Commissioner of Labour,
T. Anjaiah Bhavan, R.T.C. Cross roads,
Hyderabad. A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction under article 226 of the constitution of India, particularly one in the nature of writ of 'certiorari' quashing the order of the first respondent issued in HDL/P&A/VRR/2299/REP/95, dt; 21st December,1995 as unjust, arbitrary and illegal after calling for the records.

2. WRIT PETITION NO : 29345 of 1995

Between:

Sri R. Malla Reddy, S/o R. Vittal Reddy,carpenter, Hygglunds Devision LTD., token no.3390, Patancheru, Medak District.
A.P.

..... PETITIONER

AND

1 Hugglunds Denison Ltd., rep by its Managing Director,
Patancheru, Medak District,
A.P.
2 The Deputy Commissioner Of Labour,
T. Anjaiah Bhavan, RTC cross road,
Hyderabad. A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction under Article 226 of the constitution of India, particularly one in the nature of writ of 'certiorari' quashing the order of the first respondent issued in HDL/P&A/PMR/3390/REP/95, dated, 21 December, 1995 as unjust, arbitrary and illegal after calling for the records.

Counsel for the Petitioner (IN BOTH THE W.PS): MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondent No.1(IN BOTH THE W.PS): MR.P.NAGESWARA SREE

Counsel for the Respondent No.2(IN BOTH THE W.PS): G.P for Labour.

The Court made the following:

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COMMON ORDER:

Heard.

2. Since the issue involved in both the writ petitions is similar, they are being disposed of by this common order.

3. The common grievance of the petitioners in both the writ petition is that they were transferred from Hyderabad to Mumbay and Culcutta, arbitrarily.

4. The learned counsel for the petitioners submitted that only in order to victimize the petitioners, since they were engaged in trade union activities, the transfers were effected.

5. It is to be noted that if the transfer is on administrative grounds, the same is justifiable. However, if the transfer is tainted with mala fides or lack of jurisdiction or for any extraneous reasons, the same is amenable for writ jurisdiction.

6. Further the impugned action is of the year 1995 and at this length of time it is not known whether the petitioners have still any grievance. However, no mala fides or any lack of jurisdiction or any extraneous reasons or circumstances, for effecting the transfers, is palpably demonstrated or made out from record. Hence, having regard to the general principle that transfer of employees on administrative grounds cannot be interfered with under writ jurisdiction, the writ petition is dismissed. In the circumstances, there shall be no order as to costs.

AVS/**vs** ----------

05.08.2004

To

1 The Managing Director, Hugglunds Denison Ltd., Patancheru, Medak District, A.P.
2 The Deputy Commissioner of Labour,
T. Anjaiah Bhavan, R.T.C. Cross roads,
Hyderabad. A.P.

3 Two CCs to the G.P for Labour, High Court Buildings,

Hyderabad. (O.U.T).

3 Two CD Copies.

THE HON'BLE MR JUSTICE D.S.R.VARMA

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WRIT PETITION NO.29306 OF 1995

AND

WRIT PETITION NO.29345 OF 1995

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DATED: 05/08/2004